(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 595 /2002

PETITIONER

Ravishankar Tripathi, son of C.D. Tripathi, aged about 46 years, Occupation- Contractor, Class III, Resident of Ambikapur, Distt. Surguja (Chhattisgarh)

VERSUS

RESPONDENTS

1) UNION OF INDIA
Through Director General of Postal and Telegraph , Department of Postal and Telegraph, New Delhi

2) State of Chhattisgarh, Through : Secretary P.W.D. (Bridge Corporation) Raipur, Raipur (Chhattisgarh)

3) State of Chhattisgarh Through : Post Master General, Raipur Circle, Raipur (Chhattisgarh)

4) Superintendent of Post Office, Head Post Office, Bilaspur (Chhattisgarh)

5) Chief Executive Engineer, Bridge Corporation of

(9) (4)

India, Bilaspur, Behind Nagar Nigam Office, Bilaspur (Chhattisgarh).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, ORDER OR DIRECTION TO DO JUSTICE.

(U6)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.595/2002 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	25.09.2002 Shri A.N.Bhakta, counsel for the petitioner. Shri V.V.S.Murthy, Addl. Central Government standing counsel for respondents No.1,3 and 4. Shri Ranbir Singh, G.A. for the State. Heard on the question of admission. The prayer in this writ petition is for issuance of an appropriate writ, direction and order quashing the tender in respect to item No.1 in the N.I.T. and for a direction to the authorities to re-tender the said item. It is not disputed that respondent No.5 had issued tenders for construction of approach road across river Mainy at K.M. 4/8 on Bandarchua Tokada Road in the District of Jashpurnagar, which was shown as item No.1 in the notice inviting the tenders. The estimated cost of the work was Rs.24,62,000/-. According to the petitioner, in response to the N.I.T., he had submitted his tender by speed post on 13.3.2002 vide receipt which is Annexure A-1 to the petition, but his tender	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

though lowest was not considered and the work has been allotted to a tenderer who quoted a higher rate.

In response to the notice issued by this Court, a return has been filed wherein it is specifically averred that the tender submitted by the petitioner had not been received during the office hours on 13.3.2002 which was the last date for receiving the tenders. As per the conditions, all tenders, which were received on the last date and fulfilled the conditions were considered and the work was allotted accordingly. The petitioner's contention, however is that other tender papers posted on 13.3.2002 were received but his tender paper though posted on 13.3.2002 had not been received which is strange. This, however, is not a matter for consideration by this Court. There is nothing on record to indicate that the petitioner had made any enquiry from the post office to ascertain as to when the parcel (tender papers) sent by speed post was actually delivered on the concerned respondent.

A return has been filed on behalf of Union of India wherein in paragraph 5, it is specifically averred that the petitioner had

Gr. PRJ—FS/350—12/2000—50,000.

(42)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 595/02 सन् ~~200~~

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	booked the parcel by speed post on 13.3.2002 and it was sought to be delivered on the next date i.e. 14.3.2002. However, as the concerned addressee refused to accept it, the same was returned to the petitioner. Thus, it is clear that the petitioner's offer was not received by the concerned authority on the last date fixed for receiving tenders. In this view of the matter, it cannot be said that any illegality and irregularity have been committed by the concerned respondent. If the petitioner has any cause against the postal department, he is free to approach the Common Law Forum for relief. Petition fails and is dismissed. Certified Copy as per rules. **Sd/-** **P.C. Naik** **Judge**	